


CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this paper (along with any paper or item referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: July 28, 2005


Don W. Bulson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:

Applicant(s): Kenneth Edward Frampton et al.
Inter. Appln. No: PCT/GB03/00942
Inter. Filing Date: March 6, 2003
U.S. Serial No: 10/507,278
Title: FABRICATION OF MICROSTRUCTURED OPTICAL FIBRE

Docket No. DYOUP0277US

PETITION UNDER 37 C.F.R § 1.47(a)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petition is hereby made to accept the declaration and allow prosecution of the above-identified application by a joint inventor on behalf of himself and an omitted inventor who refuses to sign. This petition is supported by the following documents which are enclosed herewith:

1. Declaration of Facts in Support of Filing on Behalf of Omitted Inventor (37 C.F.R 1.47); and
2. Declaration signed by all of the other joint inventors, to be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor.

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The last known address of the omitted inventor is set forth in the Declaration submitted herewith.

The Declaration of Facts in Support of Filing on Behalf of Omitted Inventor is submitted as setting forth sufficient proof that the nonsigning inventor either cannot be found or reached after diligent effort or refuses to execute the application papers.

Enclosed is a credit card payment form covering the fee for this petition. The Commissioner is hereby authorized to charge any additional fees or overpayments to Deposit Account No. 18-0988 under the above shown docket number.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP



Don W. Bulson
Reg. No. 28,192

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): Kenneth Edward Frampton et al.
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Inter. Filing Date: March 6, 2003
U.S. Serial No: 10/507,278
Title: FABRICATION OF MICROSTRUCTURED OPTICAL FIBRE

Docket No. DYOUP0277US

**DECLARATION OF FACTS IN SUPPORT OF FILING ON
BEHALF OF OMITTED INVENTOR (37 C.F.R 1.47)**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, hereby make this declaration as to facts which are relied upon to establish the diligent effort made to secure the execution of an inventor's declaration by Kai Ming Kiang, one of the joint inventors of the above-identified application.

1. By letter dated June 28, 2005, I was provided with an inventors' declaration that had been signed by the joint inventors of the subject application except for Kai Ming Kiang. I was also informed that efforts had been made by representatives of the owner of the subject application to secure execution of an inventor's declaration by Dr. Kiang, but those efforts had been unsuccessful. I was also informed of Dr. Kiang's email address and that Dr. Kiang as of April 12, 2005 was working in the United States. Dr. Kiang had not provided his address in the United States, and consequently his last known address is AM Herrenberge 11, Apartment 617, 07745 JENA, Germany.

2. On July 12, 2005, I sent an email to Dr. Kiang, a copy of which is appended as Exhibit A. Attached to this email was a copy of the published International Application No. PCT/GB03/00942 which forms the basis for the subject national phase application. I also attached an inventor's declaration and an assignment, copies of which are included in Exhibit A. In the email Dr. Kiang was specifically asked to review the application and to sign, date and return the inventor's declaration and assignment.

3. A confirmation copy of the July 12, 2005 email with attachments was sent to Dr. Kiang's last known address, i.e. AM Herrenberge 11, Apartment 617, 07745 JENA, Germany.

4. Attached as Exhibit B is a copy of a Delivery Status Relay dated July 12, 2005, indicating that the July 12, 2005 email to Dr. Kiang was successfully delivered to his email address, i.e. KMK2002HW@HOTMAIL.COM.

5. As of the date of this declaration, I have not received a signed inventor's declaration from Dr. Kiang nor any other communication from Dr. Kiang.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information on belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

July 28, 2005

Date



Don W. Bulson

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Don Bulson

From: Don Bulson
Sent: Tuesday, July 12, 2005 4:41 PM
To: 'KMK2002HW@HOTMAIL.COM'
Cc: 'Dr. Miles Haines (MJH@dyoung.co.uk)'
Subject: U.S. National Phase of PCT/GB03/00942 -- U.S. Patent Application No. 10/507,278 Our Ref: DYOUNP0277US

URGENT!!!

Dear Mr. Kiang,

On behalf of the University of Southampton and through its legal representatives at D. Young & Co in the U.K., we have entered the subject International application into the U.S. national phase under U.S. Patent Application No. 10/507,278. A copy of the application is enclosed for your review. You have been identified as one of the inventors of the invention disclosed and claimed in the application.

The U.S. Patent and Trademark Office requires a U.S. patent application to be filed in the name of the inventors and each inventor to sign an inventor's declaration. In addition, an assignment of the invention and application is needed to record ownership in the name of the University of Southampton, whom we understand is the owner of the invention and application. Accordingly, we are attaching an inventor's declaration (Combined Declaration and Power of Attorney) and an Assignment for you to review and then sign and date. All of the other inventors have signed and dated a separate copy of the Declaration and Assignment.

We have been informed that the Centre for Enterprise and Innovation at the University of Southampton had contacted you as early as April 12, 2005, requesting you to sign and return the Declaration and Assignment. We also have been informed that you have yet to do so. Because of your delay the University of Southampton is incurring substantial extra costs because of the need to extend the deadline for submitting a Declaration that has been signed by each of the inventors.

Our current extended deadline is July 28, 2005. Therefore, please immediately review the attachments and then sign, date and return to me the attached Declaration and Assignment. If we do not receive from you the signed and dated Declaration by July 24, 2005, we will assume you are refusing to sign the Declaration and we will so notify the U.S. Patent and Trademark Office. In addition, on behalf of and at further cost to the university, we will petition to have the application accepted on the basis that you are refusing to sign the Declaration.

You may fax or email us the signed Declaration and Assignment by July 24, 2005, and then simply mail us the originals at your convenience.

If you have any questions, please don't hesitate to contact me by return email, post or by telephone. Please also send us your current address, in which event we will send you a confirmation copy of this email. If you desire, you may write your current address on the Declaration and Assignment under your name.

Exhibit A

7/12/2005

Thank you for your cooperation.

Don Bulson

Email: dbulson@rennerotto.com

Tel: 216-621-1113

Fax: 216-621-6165

Don W. Bulson
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Thank you.

7/12/2005

Don Bulson

From: Administrator
Sent: Tuesday, July 12, 2005 5:03 PM
To: Don Bulson
Subject: Delivery Status Notification (Relay)



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This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

KMK2002HW@HOTMAIL.COM